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IT IS SO ORDERED.

Dated: June 8, 2021



ALAN M. KOSCHIK
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re)	
)	Case No. 17-50236
LOUIS ANTHONY TELERICO,)	
)	Chapter 7
Debtor.)	
)	
)	Judge Alan M. Koschik

**ORDER GRANTING, IN PART, AND DENYING, IN PART, MOTION
TO COMPEL ATTENDANCE AT EXAMINATION UNDER RULE 2004**

On June 3, 2021, chapter 7 trustee Kathryn A. Belfance (the “Movant”) filed a Motion to Compel Attendance at Examination Under Rule 2004 (Docket No. 358) (the “Motion”). The Motion seeks to compel the appearance of an account representative from JP Morgan Chase Bank (“Chase”) to appear for examination at the Movant’s office at a date and time certain.

“On motion of any party in interest, the court may order the examination of any entity.” Fed. R. Bankr. P. 2004(a). However, ordering an examination under Rule 2004 does not directly compel the attendance of any person or production of any documents, electronically stored

information, or tangible things, or permit the inspection of premises. Pursuant to Rule 2004(c), compelling attendance or production must be done pursuant to Federal Rule of Bankruptcy Procedure 9016, which incorporates the subpoena mechanisms—and defenses—of Federal Rule of Civil Procedure 45 into bankruptcy practice. *See* Fed. R. Bankr. P. 2004(c).

On June 2, 2021, the Court held a hearing (the “Hearing”) on a related motion seeking turnover by Chase of certain funds the Movant believes are held in a certain account that she believes are in the name of debtor Louis Anthony Telerico (the “Debtor”) (Docket No. 349) (the “Turnover Motion”). Chase did not attend the Hearing and the Turnover Motion was granted by an order entered on June 4, 2021, at Docket No. 360.

At the Hearing, the Court also discussed with the counsel present whether a Rule 2004 examination of Chase would help complete the discovery necessary to resolve a separate contested turnover motion pending between and among the Movant, the Debtor, Merrill Lynch, and Bank of America, filed at Docket No. 314. The Movant indicated that she would seek such an examination and the Motion was filed the next day. The Court finds that the Movant has shown cause in her Motion for this Court to order an examination of Chase and the production of documents by Chase.

Based on the Motion and the statements of counsel at the Hearing,

IT IS HEREBY ORDERED THAT:

1. The Movant’s Motion (Docket No. 358) is **GRANTED, IN PART**.
2. Pursuant to Federal Rule of Bankruptcy Procedure 2004, the Movant is authorized to serve a subpoena or subpoenas compelling JP Morgan Chase Bank to produce documents within its possession, custody, or control, and/or to attend an oral examination and testify under oath, with respect to any and all bank accounts or investment accounts deposited with or

managed by Chase that are in the name of the Debtor (whether individual or joint) or in the name of any trust in which the Debtor is the known settlor, trustee, or beneficiary (the “Debtor’s Trusts”), as well as any transactions between or among the Debtor, the Debtor’s Trusts, or Chase.

3. The Motion is **DENIED** to the extent it sought an order compelling attendance, production, or inspection without service of a subpoena, or foreclosing any rights or defenses Chase would otherwise have in response to a subpoena pursuant to Fed. R. Bankr. P. 9016 and Fed. R. Civ. P. 45.

4. Subpoenas served by the Movant to Chase pursuant to this Order shall allow Chase no less than 10 days to respond. This limitation is without prejudice to any other rights or defenses Chase may have pursuant to Fed. R. Bankr. P. 9016 and Fed. R. Civ. P. 45 or other applicable law.

5. The Movant shall file with the Court a notice of any subpoena served pursuant to this Order, including a copy of the subpoena.

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